

The opinion in support of the decision being
entered today was not written for publication and
is not binding precedent of the Board.

Paper 10

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL R. SCHRAMM,

Junior Party,
(Application 08/890,522),

v.

JEFFREY S. SWANBERG and JAMES P. KARLOW

Senior Party
(Patent 5,707,078).

Patent Interference No. 104,501

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and LEE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the record, it is sua sponte,

ORDERED that the JUDGMENT PURSUANT TO 37 CFR § 1.662
entered 11 April 2000 (Paper 8) is vacated.

Count 1

FURTHER ORDERED that judgment on priority as to Count 1 is awarded against junior party Michael R. Schramm.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of senior party Jeffrey S. Swanberg and James P. Karlow.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Jeffrey S. Swanberg and James P. Karlow is entitled to a patent containing claims 1 and 3 (corresponding to Count 1) of U.S. Patent 5,707,078, granted 13 January 1998, based on application 08/756,815, filed 26 November 1996.

FURTHER ORDERED that junior party Michael R. Schramm is not entitled to a patent containing claims 41-42 and 48-49 (corresponding to Count 1) of application 08/890,522, filed 9 July 1997.

Count 2

FURTHER ORDERED that judgment on priority as to Count 2 is awarded against junior party Michael R. Schramm.

FURTHER ORDERED that judgment on priority as to Count 2 is awarded in favor of senior party Jeffrey S. Swanberg and James P. Karlow.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Jeffrey S. Swanberg and James P. Karlow is entitled to a patent containing claims 1 and 5 (corresponding to Count 2) of U.S. Patent 5,707,078, granted 13 January 1998, based on application 08/756,815, filed 26 November 1996.

FURTHER ORDERED that junior party Michael R. Schramm is not entitled to a patent containing claims 41, 43, 48 and 50 (corresponding to Count 2) of application 08/890,522, filed 9 July 1997.

Settlement agreement

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)	
FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
_____)	
RICHARD E. SCHAFER)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	

104,501

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